

REMARKS**Pending Claims**

Applicant notes that the Office Action indicates that claims 1-35 are pending. However, claims 24-35 were canceled on July 27, 2004 in the response to the Restriction Requirement mailed June 29, 2004. As Applicant believes it is the Examiner's intent to reinstate the subject matter of previously canceled claims 24-35, Applicant is hereby submitting the canceled subject matter for reinstatement as claims 36-47. *See* MPEP § 714 ("A canceled claim can be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number."). Applicant thus requests entry of new claims 36-47 as the reinstatement of the subject matter of previously canceled claims 24-35.

Double Patenting Rejection

Claims 1-35 (now claims 1-23 and 36-47) were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-44 of U.S. Patent No. 6,687,165. Applicant is submitting a Terminal Disclaimer herewith to obviate the rejection. Applicant thus requests reconsideration and withdrawal of the rejection, and allowance of claims 1-23 and 36-47.

CONCLUSION

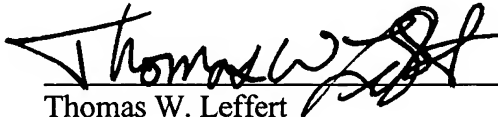
Claims 36-47 are entered herein to reinstate the subject matter of previously canceled claims 24-35. Claims 1-23 and 36-47 are pending.

Applicant believes that the claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. If the Examiner has any questions regarding this application, please contact the under-signed at (612) 312-2204. No new matter has been added and no additional fee is required by this amendment and response.

Respectfully submitted,

Date:

7 DEC 04



Thomas W. Leffert

Reg. No. 40,697

Attorneys for Applicant
Leffert Jay & Polglaze
P.O. Box 581009
Minneapolis, MN 55458-1009
T 612 312-2200
F 612 312-2250